

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ALAN A. TARZY, ESQ.,

Plaintiff,

-against-

ANDREW DWYER, DWYER & BARRETT,  
L.L.C. formerly known as THE DWYER LAW  
FIRM, L.L.C.,

Defendants.

ANALISA TORRES, District Judge:

On July 6, 2020, the parties submitted their joint letter in advance of the case management conference scheduled for July 13, 2020. Joint Letter, ECF No. 55. In their letter, the parties state that Defendants and Plaintiff anticipate filing a motion for summary judgment. *Id.* at 2. The parties also raise a discovery issue concerning Plaintiff's request that Defendant produce certain bank records. *Id.* at 2-7.

Because the parties intend to file motions for summary judgment, it is ORDERED that the case management conference scheduled for July 13, 2020 is ADJOURNED *sine die*. The parties shall follow the special rules for summary judgment set forth in Rule III.C of the Court's Individual Practices in Civil Cases. Any pre-motion letter shall be filed by **July 27, 2020** in accordance with Rule III.C.ii. The non-moving party's response is due by **August 3, 2020**.

It is further ORDERED that Plaintiff's request to order Defendants to produce documents that it failed to produce during discovery is DENIED as untimely. Discovery in this matter closed on August 15, 2019. *See* ECF No. 36. Where a party seeks to make a discovery motion after the close of discovery, that party must show good cause. Fed. R. Civ. P. 16. Plaintiff has not demonstrated that there is good cause to reopen fact discovery, nearly a year after its closing. *See, e.g., Saray Dokum ve Madeni Aksam Sanayi Turizm A.S. v. MTS Logistics Inc.*, No. 17 Civ. 7495, 2020 WL 3096780, at \*3 (S.D.N.Y. June 11, 2020) (denying motion to reopen discovery and noting that "to the extent that [plaintiff] unsuccessfully requested production of these documents from [defendant], the appropriate response would have been a motion to compel" (internal quotation marks and citation omitted)); *Advanced Analytics, Inc. v. Citigroup Glob. Markets, Inc.*, 301 F.R.D. 31, 43 (S.D.N.Y. 2014) (denying request to reopen discovery made 11 months after close of discovery), *objections overruled*, 301 F.R.D. 47 (S.D.N.Y. 2014).

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18 Civ. 1456 (AT) (SDA)

**ORDER**

Accordingly, the case management conference scheduled for July 13, 2020 is ADJOURNED *sine die*, and Plaintiff's request to reopen discovery is DENIED.

SO ORDERED.

Dated: July 10, 2020  
New York, New York



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ANALISA TORRES  
United States District Judge